

BOARD OF APPEALS CASE NO. 4963

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BEFORE THE

APPLICANTS: Albert & Phyllis Fennekohl

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ZONING HEARING EXAMINER

REQUEST: Variance to construct a porch  
within the required front yard setback;  
704 Long Bar Harbor Road, Abingdon

\*

OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 8/25/99 & 9/1/99

HEARING DATE: October 13, 1999

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Record: 8/27/99 & 9/3/99

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicants, Albert and Phyllis Fennekohl, appeared before the Hearing Examiner requesting a variance to Section 267-36(B), Table V, and Section 267-23(C)(1)(a)(2) of the Harford County Code, to construct a porch within the required 32 foot front yard setback in an R2 District.

The subject parcel is located at 704 Long Bar Harbor Road in the First Election District. The parcel is identified as Parcel No. 650, in Grid 4-E, on Tax Map 62. The parcel contains .23 acres, more or less, all of which is zoned R2.

Mr. Albert Fennekohl appeared and testified that the subject parcel is improved by a single-family dwelling and that he is requesting a variance to construct a front porch with dimensions of 25 feet by 8 feet. The witness said that if the variance is approved, he will maintain a 24.5 foot front yard setback. The witness said he felt the property was unique because the dwelling on the property is non-conforming and that he did not feel approval of the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because he has spoken to the adjoining neighbors who indicate they are not opposed to the request.

Mr. Milton Davenport appeared on behalf of the Department of Planning and Zoning and testified that the Staff reviewed the Applicants' request and found the subject parcel to be unique because a portion of the house is already within the front yard setback and, therefore, the house is non-conforming. Mr. Davenport said he did not feel approval of the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

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**CONCLUSION:**

The Applicant is requesting a variance to Section 267-36(B), Table V, of the Harford County Code, which requires a 32 foot front yard setback in an R2 District. The Applicant is proposing a 24.5 foot setback.

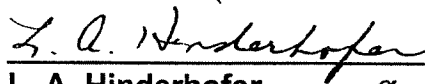
The uncontradicted testimony of the Applicant and Milton Davenport of the Department of Planning and Zoning is that the Applicant's property is unique because the existing dwelling is partially in the front yard setback and is, therefore, non-conforming. Both witnesses testified they did not feel that approval of the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code. The Applicant said he had spoken to the adjoining neighbors and none expressed concern about approval of the variance.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the witnesses and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance be granted, subject to the following conditions:

1. That the Applicant obtain all necessary permits and inspections for the proposed porch.
2. That the porch shall not be enclosed for year-round use.
3. That the front yard setback shall not be further reduced.

Date NOVEMBER 8, 1999

  
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L. A. Hinderhofer  
Zoning Hearing Examiner